

REMARKS

In the Office Action, claims 33-40 have been rejected under 35 U.S.C. § 112, first paragraph. In addition, claims 10, 12-17 and 33-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of various references. Importantly, the Examiner has indicated that claims 1, 2 and 4-9 have been allowed.

In this Response To Office Action, all rejected claims (i.e. claims 10, 12-17 and 33-40) have been cancelled without prejudice. Claims 1, 2 and 4-9 remain pending.

Rejections under 35 U.S.C. § 112, First Paragraph

In the Office Action, claims 33-40 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner has indicated that the term in claim 33 "disposing...substantially ambient pressure" lacks clear antecedent basis in the specification as originally filed, and appears to be drawn to new matter.

In this response, the claims rejected under 35 U.S.C. § 112, first paragraph (i.e. claims 33-40) have been cancelled.

With these claim cancellations, Attorney for Applicant respectfully contends that the rejections under 35 U.S.C. § 112, first paragraph have been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 10, 12-14, 16, 17, 33, 35, and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross et al. in view of Barton et al. In addition, claims 34 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross et al. in view of Barton et al., as above, and further in view of Bremer et al. Also, claims 37 and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross et al. in view of Barton et al., as above, and further in view of Modell et al. Moreover, claims 15 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross et al. in view of Barton et al., as above, and further in view of Hazlebeck et al.

As indicated above, all claims rejected under 35 U.S.C. § 103(a) (i.e. claims 10, 12-17 and 33-40) have been cancelled.

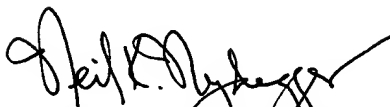
With these claim cancellations, Attorney for Applicant respectfully contends that the rejections under 35 U.S.C. § 103(a) have been overcome and should be withdrawn.

In conclusion, Applicant respectfully asserts that claims 1, 2 and 4-9 are patentable, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call

the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 18th day of August, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil K. Nydegger", written over the printed name.

NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Michael H. Spritzer, et al.)	
)	
Serial No:	09/841,058)	Art Unit
)	1724
Filed:	April 23, 2001)	
)	
For:	PROCESS FOR HYDROTHERMAL TREATMENT OF MATERIALS)	
)	
Examiner:	Peter A. Hruskoci)	
)	
Attorney Docket:	11156.81.1)	

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 8th day of August, 2003.



DEBRA D. BURNS
Legal Documents Assistant

Transmitted: Response to the Office Action dated May 22, 2003.

oarespdtd5-22-03:ddb
Docket: 11156.81.1